

**Remarks:**

Applicant appreciates the time taken by the Examiner to review Applicant's present application. This application has been carefully reviewed in light of the Official Action mailed April 10, 2007. Applicant has cancelled claims 12, 13 and 19-37, without prejudice and has amended claim 16 to recite "incoherent light" instead of "relatively incoherent light. Applicant thus believes that this application is in condition for allowance and respectfully requests allowance of Claims 1-11 and 14-18.

**Objections to the Drawings**

The Examiner objected to the drawings because the drawings are poor quality informal drawings and because "the drawings must show every feature of the invention specified in the claims." Applicant has previously submitted formal drawings to replace the informal drawings objected to by the Examiner. No new matter was added and no changes were made other than formalizing the drawings to comply with relevant statutory requirements. Applicant therefore respectfully requests the Examiner remove this objection.

**Rejections under 35 U.S.C. § 112**

The Examiner rejected claims 5-37 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states that "Claims 5-17 and 23-47 are indefinite, as it is unclear what, if any difference in scope exists between claims 5, 6, 7, 8, 9, 10, 11, 12, 16, 17 and 18 and 24, 26, 27, 25, 28, 29, 30, 31, 35, 36 and 37, respectively. In claims 12 and 31, exactly what is intended to be encompassed by the term "push/pull" mechanism is unclear. Claims 13 and 32 are indefinite as what further structure is to be recited thereby is unclear. In claims 16 and 35, exactly what is intended to be encompassed by the term "relatively incoherent light" is unclear. In claim 17, "the light source" lacks positive antecedent basis."

Applicant has cancelled claims 12, 13 and 19-37, without prejudice. Applicant has amended claim 16 to recite “incoherent light” instead of “relatively incoherent light”. Applicant respectfully disagrees that claim 17 lacks positive antecedent basis for “the light source” as claim 1, from which claim 17 depends, recites “a light source”. Applicant therefore requests the Examiner remove this rejection and allow claims 1-11 and 14-18.

Rejections under 35 U.S.C. § 103

The Examiner rejected claims 1-7, 9-24 and 26-37 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,784,508 issued to R. Scott Turner (“Turner”) in combination with U.S. Patent No. 5,725,514 to Grinblat, et al. (“Grinblat”)

With regards to independent claim 1, the Examiner states that “Turner teaches a wide-angle endoilluminator as claimed, except the lens being hemispherical. Grinblat et al teach an illuminator for retinal surgery wherein the optical fiber is able to be advanced or retracted. It would have been obvious to the artisan of ordinary skill to employ a linearly translatable fiber in the device of Turner, since this allows the illumination of different areas, . . . to employ a hemispherical, rather than a ball lens, since the distalmost surface of the lens provides little refraction when immersed in the vitreous, as taught by Turner. . . .”

Applicant respectfully disagrees with the Examiner as regards claim 1, the only independent claim remaining. Turner alone, as stated by the Examiner, does not teach or suggest a hemispherical optical element, nor does Turner teach that the distalmost surface of the lens provides little refraction when immersed in the vitreous. In fact, as taught by Applicant’s invention, a hemispherical optical element provides better light transmission, less glare and does not heat up as much as a spherical optical element. Applicant’s invention as recited in claim 1 is therefore neither taught, nor suggested, by either Turner or Grinblat, either alone or in combination and therefore this rejection is improper.

Applicants therefore respectfully request the Examiner remove this rejection and allow claim 1. Claims 2-11 and 14-18 depend from allowable independent claim 1 and as such each is patentably distinct and allowable as a further limitation upon claim 1. Therefore, Applicant respectfully requests the Examiner withdraw the rejection and allow claims 1-11 and 14-18. As discussed above, Applicant has cancelled claims 12, 13 and 19-37.

The Examiner rejected dependent claims 8 and 25 under 35 U.S.C. 103(a) as being unpatentable over Turner in combination with Grinblat as applied to claims 1-7, 9-24 and 26-37 above, and further in combination with Shen et al. ("Shen"). Applicant respectfully submits that because, for the reasons given above, independent claim 1 is allowable, dependent claim 8, which depends from claim 1, is also patentably distinct and allowable as a further limitation upon allowable independent claim 1. Claim 25 has been cancelled. Therefore, Applicant respectfully requests the Examiner withdraw the rejection and allow claim 8.

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1-11 and 14-18.

An extension of three (3) months is requested and a Notification of Extension of Time Under 37 C.F.R. § 1.136 with the appropriate fee is attached hereto.

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present invention.

Respectfully submitted,

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Date

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